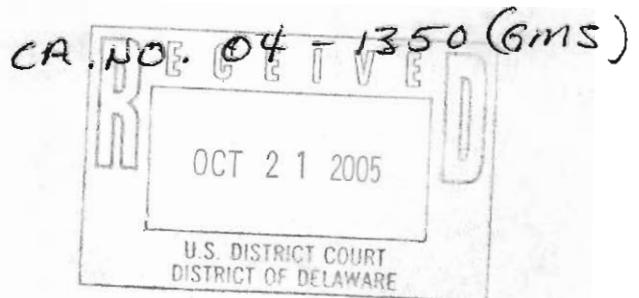


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

v.

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,



ANSWER TO DEFENDANTS
MOTIONS TO DISMISS PURSUANT
TO FED R. CIV. PRO 12(b) 1 AND
12(b)(6)

COMES NOW, THE PLAINTIFF JIMMIE LEWIS, PRO-SE,
ANSWER TO DEFENDANTS DR. SYLVIA FOSTER,
MR. ROBERT GRAY (MR. GREY) AND THE DELAWARE'S
PSYCHIATRIC CENTER'S MOTIONS TO DISMISS PURSUANT
TO FED R. CIV. PRO 12(b)(1) AND 12(b)(6), IN SUPPORT
ASSERTS THE FOLLOWING:

- 1.) SUBSEQUENTLY TO THE DEFENDANTS' FILING
MOTIONS TO DISMISS PURSUANT TO FED R. CIV-
PRO 12(b)(1) AND 12(b)(6), IF THE PLAINTIFF
FILED A MOTION REQUESTING THE COURTS PERMISSION
TO AMEND THE COMPLAINT IN ORDER TO CURE
THE DEFICIENCIES; -

(CONT) I FILED THE AMENDED COMPLAINT WITH THE CLERK OF THE U.S. DISTRICT COURT, FOR THE COURT AUG 2005, WITH CYNTHIA G. BEAM ESQ ATTORNEY FOR DEFENDANT "DR. SYLVIA FOSTER" AUG 24, 2005, WITH PHEBE S YOUNG DEPUTY ATTORNEY GENERAL FOR DEFENDANT "ROBERT N. GRAY (MR.GRAY)" AND DEFENDANT "THE DELAWARE PSYCHIATRIC CENTER SEPT 6, 2005.

2.) THE DEFENDANT "DR. SYLVIA FOSTER" ASSERTS THAT, IN HER OFFICIAL CAPACITY SHE IS THE CHIEF FORENSIC PSYCHIATRIST FOR THE STATE OF DELAWARE, WHO IS A CONTRACT EMPLOYEE THAT DOES NOT HAVE SOVEREIGN IMMUNITY, THEREFORE, "DR SYLVIA-FOSTER" IS LIABLE UNDER COLOR OF LAW STATUTE.

3.) THE DEFENDANT, "THE DELAWARE PSYCHIATRIC CENTER" ASSERTS THAT IT IS AN AGENCY, NOT A PERSON, FOR WHICH VARIES THAT THE COURT HAS NO JURISDICTION IN REGARDS TO THE PLEADINGS OF THE PLAINTIFF COMPLAINT. IN RESPONSE, I THE PLAINTIFF TIMMIE LEWIS OFFER NO CONTENTION OF LAW IN REGARDS TO SAID DEFENDANTS PLEADINGS, AND HEREBY REQUEST TO HAVE MY CLAIM AGAINST DEFENDANT "THE DELAWARE PSYCHIATRIC CENTER" DISMISSED WITHOUT PREJUDICE, SPECIFICALLY BECAUSE 90% OF THE DEFENDANTS HAVE BEEN NAMED IN THE PLEADINGS OF THE AMENDED COMPLAINT.

- 4.) THE DEFENDANT "DR. SYLVIA FOSTER" ASSERT THAT THE COMPLAINT ONLY IMPLIES TWO AVENUES OF RELIEF;
(a) PETITION FOR HABEAS CORPUS, AND;
(b) A COMPLAINT UNDER CIVIL RIGHTS ACT.

STATING ALSO THAT THE PLAINTIFFS COMPLAINT CONTAINS NO LANGUAGE THAT WOULD IMPLY THAT THE SENTENCE IS BEING DISPUTED. SUBSEQUENTLY THE AMENDED COMPLAINT WAS FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT "DR. SYLVIA FOSTER" CONTAINING PLEADINGS THAT CURED SAID MISINTERPRETATION OF THE FACTS.

- 5.) THE DEFENDANT(S) "DR. SYLVIA FOSTER" AND DEFENDANT "ROBERT N. GRAY" ASSERT THAT THE PLAINTIFF PLEADINGS FAILS TO OVERTLY OR BY IMPLICATION INJURIES THAT WERE INFILCTED DUE TO THE DEFENDANTS DEPRIVING AND OR VIOLATING CONSTITUTIONAL AND OR STATUTORY RIGHTS, LAW, STATUTE, ORDINANCE OR REGULATION. SUBSEQUENTLY THE AMENDED COMPLAINT WAS FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT "DR. SYLVIA FOSTER" AND DEFENDANT "ROBERT N. GRAY" CONTAINING PLEADINGS THAT CURED SAID MISINTERPRETATION OF THE FACTS.

6.) THE DEFENDANT "DR. SYLVIA FOSTER" ASSERTS THAT NO FEDERAL CIVIL ACTION MAY BE BROUGHT BY A PRISONER CONFINED IN A JAIL, PRISON OR OTHER CORRECTIONAL FACILITY, FOR MENTAL OR EMOTIONAL INJURIES SUFFERED WHILE IN CUSTODY WITHOUT PRIOR SHOWING OF INJURY. SUBSEQUENTLY THE AMENDED COMPLAINT WAS FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT "DR. SYLVIA FOSTER." CONTAINING PLEADINGS THAT CURED SAID MISINTERPRETATION OF THE FACTS.

7.) THE DEFENDANT "DR. SYLVIA FOSTER" ASSERTS THAT, IF THE PLAINTIFF'S COMPLAINT IS CONSTRUED AS A COMMON LAW BATTERY OR MEDICAL NEGLIGENCE, THEN THE DISTRICT COURT CAN APPLY THE LAW OF THE FORUM. STATING ALSO THAT THESE CONSTRUED ALLEGATIONS MUST BE DISMISSED FOR FAILURE ON THE BEHALF OF THE PLAINTIFF TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, STATING SINCE THERE IS NO ALLEGATION THAT CHIEF DR. SYLVIA FOSTER EVER PERSONALLY TOUCHED THE PLAINTIFF,

IN DEFENSE OF THE PLAINTIFFS PLEADINGS DEFENDANT "DR. SYLVIA FOSTER" AVAILED HERSELF UNDER DELAWARE LAW STATUTE 11 DEL C. 468(3);(5);(7), STATING THAT SHE IS PERMITTED TO UTILIZE THE AUTHORITY INVESTED TO HER TO ORDER THE USE OF FORCE.

(CONT) PRESENTING THESE COLOR OF LAW TERMS OF DEFENSE, WITHOUT PRESENTING ANY PLEADINGS INDICATING THAT THE PLAINTIFF RECEIVED A DISCIPLINARY HEARING AND OR A COMPETENCY HEARING BEFORE OR AFTER SAID FORCE WAS ORDERED TO BE UTILIZED AGAINST THE PLAINTIFF, DRAWS AN INFERENCE DEFINING THE STATUTE OF CONSPIRACY. THEREFORE, IN REGARDS TO THE DEFENDANT "DR. SYLVIA FOSTER" VERY OWN INCRIMINATING PLEADINGS, THE LAW OF THE FORUM SHOULD BE IMPLEMENTED.

SUBSEQUENTLY THE AMENDED COMPLAINT WAS FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT "DR. SYLVIA FOSTER" CONTAINING PLEADINGS THAT CURED SAID MISINTERPRETATION OF THE FACTS.

8.) THE DEFENDANT "DR. SYLVIA FOSTER" ASSERTS THAT IF THE PLAINTIFF'S COMPLAINT IS CONSTRUED AS BEING A COMPLAINT OF MEDICAL NEGLIGENCE, THEN THE COMPLAINT SHOULD BE DISMISSED SINCE THE PLAINTIFF PROVIDES NO AFFIDAVIT OF MERIT SIGNED BY AN EXPERT WITNESS.

IN RESPONSE THE PLAINTIFF'S COMPLAINT DOES CONTAIN MEDICAL NOTES SIGNED BY PSYCHIATRIST(S), PHYSICIAN(S), NURSE(S), SOCIAL WORKER, NURSE ASSISTANT(S), PSYCHOLOGIST AND THE DIETICIAN AS WELL AS THE DEFENDANT "DR. SYLVIA FOSTER" HERSELF, IN WHICH FACTUAL VALIDATES THAT MEDICAL TACTIC'S AND OR MEDICAL TREATMENT WAS CONDUCTED ON THE PLAINTIFF.

(CONT)

BUT CONTRARY TO WHAT THE DEFENDANT -
"DR. SYLVIA FOSTER" AUTHORED IN THE FORENSIC
PSYCHIATRIC EVALUATION SUBMITTED TO THE SUPERIOR
COURT, IN AND FOR NEW CASTLE COUNTY, IN WHICH
STATES, I QUOTE, (MR. LEWIS DEMONSTRATED
NO EVIDENCE OF MOOD DISORDER OR PSYCHOSIS DURING
HIS ADMISSION TO DPC, AND IT IS LIKELY THAT HE
NEVER HAD SCHIZOPHRENIA OR ANY OTHER CHRONIC
PSYCHOTIC DISORDER, STATING MR. LEWIS WAS
PRESCRIBED NO PSYCHOTROPIC MEDICATION?) UNQUOTE.

THE FORENSIC PSYCHIATRIC EVALUATION HAS
BEEN SUBMITTED FOR EXHIBIT, IN WHICH MAKES THE
PLAINTIFF'S PLEADINGS THAT THE DEFENDANT -
"DR. SYLVIA FOSTER" ORDERING FORCE TO BE UTILIZED
AGAINST HIM, FOR REASONS THAT CANT BE
JUDICIALLY JUSTIFIED, UNDENIABLE.

THE EXHIBITS THAT THE PLAINTIFF SUBMITTED
AS SUPPORTING EVIDENCE, SIGNIFIES THAT IT DOES TAKE
A SIGNED AFFIDAVIT FROM AN EXPERT WITNESS TO
FACTUALLY CONCLUDE IN THIS CASE, THAT THE
DEFENDANT "DR. SYLVIA FOSTER" VIOLATED THE PLAINTIFF
STATUTORILY AND CONSTITUTIONALLY.

SUBSEQUENTLY THE AMENDED COMPLAINT WAS
FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT
"DR. SYLVIA FOSTER" CONTAINS PLEADINGS THAT CURED
SAID MISINTERPRETATION OF THE FACTS.

9.) THE DEFENDANT "DR. SYLVIA FOSTER" AVAILS HERSELF IN DEFENSE PROVIDED BY DELAWARE LAW 11 DEL C. 468(3);(5); AND (7), STATING RESPONSIBILITY FOR THE SAFETY OF THE PLAINTIFF, OTHER PATIENTS AND STAFF, AND IS THEREFORE PERMITTED TO ORDER THE NECESSARY USE OF FORCE FOR THE PURPOSE OF SAFEGUARDING THE WELFARE OF THE PATIENTS AND OTHERS.

BUT BECAUSE THE DEFENDANT "DR. SYLVIA FOSTER" AUTHORED THE FORENSIC PSYCHIATRIC EVALUATION THAT STATES, I QUOTE, (MR. LEWIS DEMONSTRATED NO EVIDENCE OF MOOD DISORDER OR ~~NO~~ PSYCHOSIS DURING HIS ADMISSION TO DPC, AND IT IS LIKELY THAT HE NEVER HAD SCHIZOPHRENIA OR ANY OTHER CHRONIC ~~SCHIZOPHRENIA~~ PSYCHOTIC DISORDER, STATING MR. LEWIS WAS PRESCRIBED NO PSYCHOTROPIC MEDICATION.) UNQUOTE, VARIFIES THAT THE ORDERS THE DEFENDANT "DR. SYLVIA FOSTER" ORDERED FALL OUTSIDE OF THE AUTHORITY PROVIDED BY 11 DEL C. 468(3);(5); AND (7).

NOTE: THE DEFENDANT "DR. SYLVIA FOSTER" DID NOT CITE 11 DEL. C 468(4); IN WHICH IS THE ONLY STATUTE OF STATUTE 11 DEL. C 468 THAT GRANTS SUCH A DEFENSE TO A DOCTOR, A THERAPIST OR A PERSON ASSISTING A DOCTOR OR A THERAPIST? THEREFOR FOR THE DEFENDANT DR. SYLVIA FOSTER TO CITE, 11 DEL C 468-(3);(5); AND (7) IN HER PLEADINGS OF DEFENSE DRAW A STRONG INFERENCE THAT AN ABUSE OF FORCE WAS UNJUSTIFIABLE UTILIZED.

10.) THE DEFENDANT "ROBERT N GRAY" (MR GREY) ASSERTS THAT THE PLAINTIFF FAILED TO IDENTIFY OVERTLY OR BY IMPLICATION, ANY STATUTORY AND OR ANY CONSTITUTIONAL RIGHTS THAT WERE VIOLATED AND OR DEPRIVED DUE TO HIS ACTIONS, EVEN THOUGH THE DEFENDANT MR .GREY (ROBERT N GRAY) ASSERT IN HIS PLEADINGS THAT THE ONLY REFERENCE TO ANY PHYSICALLY IS AT THE TOP OF THE SECOND PAGE OF THE PLAINTIFF'S COMPLAINT, STATING AN ALLEGED ALTERCATION WHEN A BAG OF M&M CHOCOLATE CANDY WAS FORCIBLY REMOVED FROM HIS HAND, THE ALLEGEDLY ASSAULTED BY MR GREY (ROBERT N. GRAY) AND THREE OR FOUR STAFF MEMBER.

IN REGARDS TO THIS MATTER, SUBSEQUENTLY THE AMENDED COMPLAINT WAS FILED WITH THE COURT AS WELL AS WITH THE DEFENDANT "ROBERT N GRAY" (MR GRAY) CONTAINING PLEADINGS THAT CURED SAID MISINTERPRETATION OF THE FACTS.

WHEREFORE, FOR THE FORGOING REASONS DEFENDANT(S) MOTIONS REQUESTING THAT THE COMPLAINT BE DISMISSED SHOULD BE DENIED

DATE: 10/11/05

Diminice Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

v.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (2) TWO TRUE AND CORRECT COPIES OF
PLAINTIFF'S JIMMIE LEWIS', ANSWER TO DEFENDANTS MOTION
TO DISMISS, HAS BEEN SERVED BY U.S MAIL TO THE FOLLOWING:

PETER S. YOUNG # 1043
DEPUTY ATTORNEY GENERAL
CARVEL STATE OFFICE BUILDING
820 N. FRENCH ST, 6TH FLOOR
WILMINGTON, DE 19801
ATTORNEY FOR DEFENDANT(S)
MR ROBERT GRAY A.K.A (MR. GREY),
AND THE DELAWARE PSYCHIATRIC
CENTER

DATE: 10/11/05

Jimmie Lewis
SB# 506622
DEL. CORR. CENTER
1181 PADDICK RD
SMYRNA, DE 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Jimmie Lewis,

v.

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,

C.A. No. 04-1350(GMS)

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I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (2) TWO TRUE AND CORRECT COPIES OF
PLAINTIFF'S Timmie Lewis, ANSWER TO DEFENDANTS MOTION
TO DISMISS, HAS BEEN SERVED BY U.S. MAIL TO THE FOLLOWING:

CYNTHIA G. BEAM ESC
DEL STATE BAR I.D. NO 2565
1001 JEFFERSON PLAZA, SUITE 202
WILMINGTON, DELAWARE 19801
ATTORNEY FOR DEFENDANT DR SYLVIA FOSTER,
ET AL.

DATE: 10/11/05

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

v.

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,

CA. NO. 04-1350(GMS)

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (1) ONE TRUE AND CORRECT COPY OF
PLAINTIFF'S JIMMIE LEWIS', ANSWER TO DEFENDANTS MOTION
TO DISMISS, HAS BEEN SERVED BY U.S. MAIL TO THE FOLLOWING:

JUDGE GREGORY M. SLEET
UNITED STATES DISTRICT COURT
J. CALEB BOGGS FEDERAL BUILDING
844 N. KING ST, LOCKBOX 19
WILMINGTON, DELAWARE 19801

Jimmie Lewis
SB# 506622

DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

DATE: 10/11/05